IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 30TH MAY 2007 / 9TH JYAISHTA 1929

Crl.MC.No. 1684 of 2007()

CMP.1665/2007 of JUDL.MAGISTRATE OF FIRST CLASS COURT-I, KANNUR

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PETITIONER: PETITIONER

K.C.JAYANTH, AGED 47 YEARS,
S/O.KANDEMBATH KORAN, TODY SHOP CONTRACTOR,
PAYYAMBALAM, KANNUR DT.

BY ADV. SRI.C.K.SREEJITH

RESPONDENTS:

STATE OF KERALA, REP. BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY P.P. SRI. GIKKU JACOB.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 30/05/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

CRL.M.C.NO. 1684 OF 2007

Dated this the 30th day of May, 2007

ORDER

The petitioner is an accused in a prosecution for the offences punishable, inter alia, under Sec.377 read with Sec.511 of the IPC. It would appear that the crux of the allegations against the petitioner is that he had exploited young children by showing phonographic films. The TV, VCP etc., seized in the case were allegedly used for committing such offence. The petitioner applied for release of those articles as per Annexure-A1(2), the learned Magistrate by Annexure-A2 order refused the said prayer and rejected the application.

2. The learned counsel for the petitioner submits that release has been claimed only of the TV, VCP, remote control and the wire. These have nothing to do with the offence proper. The articles applied for are not the video

tapes which were allegedly shown to the children. In these circumstances, continued retention of these costly articles in court is likely to lead to their damage and deterioration. These are not in any way likely to be relevant as evidence in this case. It is, in these circumstances, prayed that the impugned order may be set aside and the prayer for release allowed.

3. Notice was given to the learned Public Prosecutor. The learned Public Prosecutor does not seriously oppose the said prayer. I am, in these circumstances, satisfied that this petition can be allowed, the impugned order set aside and the learned Magistrate directed to release the articles in question to the petitioner subject to appropriate conditions to be stipulated by the learned Magistrate.

4. This Crl.M.C. is accordingly allowed to the above extent.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge